IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21005 of 2005

Between:

M/s. V.K.A. Constructions, A. Partnership,

represented by its partner K.R. Anil Karn,
having their Office at 16-5-247,

outside Dabirapura, Hyderabad.

..... PETITIONER

AND

1. Commander Works Engineers (Air Force),

Mudfort, Secunderabad.
2. Deputy Commander Works Engineers,

(Contracts) for Commander Works Engineers (Air Force),
Mudfort, Secunderabad.

.....RESPONDENTS

The Court made the following:

ORDER:

For declaring the action of the respondents in attempting to proceed with the tender process without following the due procedure, as illegal and arbitrary, the present writ petition has been filed.

The main grievance of the petitioner is that pursuant to the notification issued by the respondents inviting tenders for widening of roads, the petitioners submitted applications along with the cost of tender schedules in the form of demand drafts and despite submitting the applications the respondents are trying to finalise the tenders without issuing the tender forms to the petitioner.

Heard the learned counsel for the petitioner and the learned Assistant Solicitor General appearing for the respondents.

It is not a case of arbitrary action on the part of the respondents in not treating the petitioner on par with similarly situated persons and the tenders are opened now as on today.

It is well settled principle of law that judicial review in contractual matters is very limited and circumscribed. Unless there is an arbitrary action on the part of the respondents or the case of the petitioner is treated unfairly, this court, normally, will not interfere with the tender notice.

Since the petitioner has no *locus standi* to ask for Writ of Mandamus, the same is liable to be dismissed.

Therefore, without going into the merits of the case, and having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents to consider the applications made by the all tenderers in accordance with law and particularly with reference to the terms and conditions of the tender.

With the above observation, the writ petition is disposed of at the stage of admission. No costs.

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(K.C. BHANU, J)

Date: 27.09.2005

Note: Issue wire at party's costs.

B.O.

Ksn